

REMARKS

This is responsive to the Final Office Action that was mailed August 4, 2006 (hereinafter "Office Action") and the Advisory Action mailed October 18, 2006.

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Claim Rejections – 35 U.S.C. §102

Claims 1-5, 16, 17, 19, 20, and 22-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,582,805 issued to Yoshizaki et al. ("Yoshizaki").

Claim 1 recites a method for heating a catalyst bed for startup comprising providing a catalyst bed having an upstream face and a downstream face; providing an electrical heating element positioned along one face of the catalyst bed; passing a small flow of reactants through the electrical heating element and catalyst bed; and heating the electrical heating element to initiate an exothermic reaction at the face of the catalyst bed, wherein the heat of reaction propagates throughout the catalyst bed thereby heating the catalyst bed for start-up.

Yoshizaki does not anticipate a method for heating a catalyst bed for startup comprising: (1) providing a catalyst bed having an upstream face and a downstream face; (2) providing an electrical heating element positioned along one face of the catalyst bed; (3) passing a small flow of reactants through the electrical heating element and catalyst bed; and (4) heating the electrical heating element to initiate an exothermic reaction at the face of the catalyst bed, wherein the heat of reaction propagates throughout the catalyst bed thereby heating the catalyst bed for start-up.

First, there is no disclosure in Yoshizaki that the Yoshizaki apparatus is specifically directed toward heating a catalyst bed for startup. Although Yoshizaki teaches that the apparatus of Yoshizaki could be used "when the

engine is started at a low temperature” (col. 1, lines 13-16), Yoshizaki does not teach that the apparatus of Yoshizaki be used specifically to heat a catalyst bed for startup. Yoshizaki fails to teach this element of claim 1. Applicants respectfully disagree with the Examiner's position that “when the engine is started at a low temperature” is equivalent to “for startup.” (Office Action, p. 5.) Yoshizaki states that its catalyst is quickly heated to an activation temperature even when the engine is started at a low temperature (col. 1, lines 1-16). In Yoshizaki, the heating of the catalyst occurs with the starting of the engine – there is no specific preparation of the catalyst bed in anticipation of the starting of the engine. Unlike Yoshizaki, Applicants' invention is directed to heating the catalyst bed specifically – in one embodiment, heating the catalyst bed will make the startup of a fuel processor faster and easier (paragraph 0005). A holding of anticipation may not be found when the general subject matter is the same, but the specific application or use is different. *Union Oil Co. of California v. Atlantic Richfield, Co.*, 208 F.3d 989 (Fed. Cir. 2000). Assuming for the sake of argument, the present invention and Yoshizaki have the same general subject matter (heating a catalyst bed) – clearly, the specific application or use is different as the present invention is specifically directed toward heating a catalyst bed for startup. In conclusion, Yoshizaki does not teach that the apparatus of Yoshizaki be used specifically to heat a catalyst bed for startup. Yoshizaki fails to teach this element of claim 1 and therefore does not anticipate claim 1.

Second, assuming for the sake of argument that Yoshizaki does disclose all of the elements of claim 1, it is not enough that Yoshizaki discloses all of the elements of claim 1 in isolation. The Federal Circuit requires that Yoshizaki disclose each element of claim 1 as “arranged in the claim.” *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984). Yoshizaki does not disclose the elements of claim 1 (as found in columns 1, 10, and 15) as arranged in claim 1.

Claim 16 recites a method for heating a catalyst bed comprising providing a catalyst bed in communication with an electrical heating element; and heating the electrical heating element so as to maintain the desired temperature of the catalyst bed. Yoshizaki does not anticipate a method for heating a catalyst bed comprising: (1) providing a catalyst bed in communication with an electrical heating element and (2) heating the electrical heating element so as to maintain the desired temperature of the catalyst bed.

First, there is no disclosure in Yoshizaki that the catalyst bed of Yoshizaki is in communication with an electrical heating element. Applicants respectfully disagree with the Examiner's position that "the recitation of an electrically heated catalytic apparatus, along with figures 15 and 16, fully encompasses a catalyst bed in communication with an electric heating element." (Office Action, p. 6.) A review of Yoshizaki reveals that Yoshizaki contains no express reference to "communication." Yoshizaki clearly fails to teach this element of claim 16.

Second, there is no disclosure in Yoshizaki regarding the maintenance of the desired temperature of the catalyst bed. Applicants respectfully disagree with the Examiner's position that Yoshizaki reads on the claim. (Office Action, p. 6.) A review of Yoshizaki reveals that Yoshizaki contains no express reference to "maintenance of the desired temperature of the catalyst bed" for any period of time. Yoshizaki clearly fails to teach this element of claim 16.

Third, assuming for the sake of argument that Yoshizaki does disclose all of the elements of claim 16, it is not enough that Yoshizaki discloses all of the elements of claim 16 in isolation. The Federal Circuit requires that Yoshizaki disclose each element of claim 16 as "arranged in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984). Yoshizaki does not disclose the elements of claim 16 as arranged in claim 16.

In conclusion, Yoshizaki fails to teach communication between (1) the electrical heating element and the catalyst bed and (2) the maintenance of the

desired temperature of the catalyst bed. Yoshizaki fails to teach these elements of claim 16.

Claim 22 recites a method for heating a catalyst bed to a desired temperature, comprising positioning an electrical heating element upstream of the catalyst bed; and passing a fluid across the electrical heating element and through the catalyst bed, wherein the catalyst bed is heated to the desired temperature.

Yoshizaki does not anticipate a method for heating a catalyst bed to a desired temperature comprising: (1) positioning an electrical heating element upstream of the catalyst bed and (2) passing a fluid across the electrical heating element and through the catalyst bed, wherein the catalyst bed is heated to the desired temperature.

There is no disclosure in Yoshizaki regarding the passing of a fluid across the electrical heating element and through the catalyst bed wherein the catalyst bed is heated to the desired temperature. Yoshizaki fails to teach the passing of a fluid across the electrical heating element and through the catalyst bed wherein the catalyst bed is heated to the desired temperature. Applicants respectfully disagree with the Examiner's position that this element is disclosed in Yoshizaki. (Office Action, pp. 6-7.) A review of Yoshizaki reveals that Yoshizaki contains no express reference to "passing a fluid across the electrical heating element." Yoshizaki clearly fails to teach this element of claim 22.

In addition, assuming for the sake of argument that Yoshizaki does disclose all of the elements of claim 22, it is not enough that Yoshizaki discloses all of the elements of claim 22 in isolation. The Federal Circuit requires that Yoshizaki disclose each element of claim 22 as "arranged in the claim." *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984). Yoshizaki does not disclose the elements of claim 22 as arranged in claim 22.

Because Yoshizaki fails to teach one or more of the recited elements of each of claim 1, 16, and 22, reconsideration and withdrawal of the rejection of claims 1-5, 16, 17, 19, 20, and 22-24 under 35 U.S.C. §102(b) as being anticipated by Yoshizaki is respectfully requested.

Claim Rejections – 35 U.S.C. §102

Claims 13, 14, 16, 17, 19, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,562,885 issued to Bayer et al. ("Bayer").

Claim 13 recites a method for heating a catalyst bed, comprising providing an electrical heating element positioned within a cooling coil located substantially within the catalyst bed; and heating the electrical heating element thereby heating the catalyst bed to a desired temperature. Bayer fails to anticipate a method for heating a catalyst bed, comprising (1) providing an electrical heating element positioned within a cooling coil located substantially within the catalyst bed; and (2) heating the electrical heating element thereby heating the catalyst bed to a desired temperature. Bayer fails to teach the positioning of an electrical heating element within a cooling coil substantially within the catalyst bed. A review of Bayer reveals that Bayer contains no express reference to "positioning of an electrical heating element within a cooling coil substantially within the catalyst bed." Bayer fails to teach these elements of claim 13.

In addition, assuming for the sake of argument that Bayer does disclose all of the elements of claim 13, it is not enough that Bayer discloses all of the elements of claim 13 in isolation. The Federal Circuit requires that Bayer disclose each element of claim 13 as "arranged in the claim." *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984). Bayer does not disclose the elements of claim 13 as arranged in claim 13.

Claim 16 recites a method for heating a catalyst bed comprising providing a catalyst bed in communication with an electrical heating element; and heating the electrical heating element so as to maintain the desired temperature of the catalyst bed. Bayer does not anticipate a method for heating a catalyst bed comprising: (1) providing a catalyst bed in communication with an electrical heating element and (2) heating the electrical heating element so as to maintain the desired temperature of the catalyst bed.

First, there is no disclosure in Bayer that the catalyst bed of Bayer is in communication with an electrical heating element. Applicants respectfully disagree with the Examiner's position that this element is disclosed in Bayer. (Office Action, pp. 8-9.) A review of Bayer reveals that Bayer contains no express reference to "communication." Bayer clearly fails to teach this element of claim 16.

Further, there is no disclosure in Bayer regarding the maintenance of the desired temperature of the catalyst bed – Bayer discusses rapid and uniform heating but does not discuss maintenance of the desired temperature (col. 7, lines 55-64). Applicants respectfully disagree with the Examiner's position that Bayer reads on the claim. (Office Action, p. 8.) A review of Bayer reveals that Bayer contains no express reference to "maintenance of the desired temperature of the catalyst bed" for any period of time. Bayer clearly fails to teach this element of claim 16.

In addition, assuming for the sake of argument that Bayer does disclose all of the elements of claim 16, it is not enough that Bayer discloses all of the elements of claim 16 in isolation. The Federal Circuit requires that Bayer disclose each element of claim 16 as "arranged in the claim." *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984). Bayer does not disclose the elements of claim 16 as arranged in claim 16.

In conclusion, Bayer fails to teach communication between (1) the electrical heating element and the catalyst bed and (2) the maintenance of the desired temperature of the catalyst bed.

Because Bayer fails to teach one or more of the recited elements of each of claims 13 and 16, reconsideration and withdrawal of the rejection of claims 13, 14, 16, 17, 19, and 20 under 35 U.S.C. §102(b) as being anticipated by Bayer is respectfully requested.

Claim Rejections – 35 U.S.C. §102

Claims 16, 17, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,512,251 issued to Brunson et al. ("Brunson").

Claim 16 recites a method for heating a catalyst bed comprising providing a catalyst bed in communication with an electrical heating element; and heating the electrical heating element so as to maintain the desired temperature of the catalyst bed. Brunson does not anticipate a method for heating a catalyst bed comprising: (1) providing a catalyst bed in communication with an electrical heating element and (2) heating the electrical heating element so as to maintain the desired temperature of the catalyst bed.

There is no disclosure in Brunson that the catalyst bed of Brunson is in communication with an electrical heating element. Further, there is no disclosure in Brunson regarding the maintenance of the desired temperature of the catalyst bed. Applicants respectfully disagree with the Examiner's position that Brunson reads on the claim. (Office Action, p. 9.) A review of Bayer reveals that Brunson contains no express reference to "maintenance of the desired temperature of the catalyst bed" for any period of time. Brunson clearly fails to teach this element of claim 16.

Brunson fails to teach communication between (1) the electrical heating element and the catalyst bed and (2) the maintenance of the desired temperature of the catalyst bed.

In addition, assuming for the sake of argument that Brunson does disclose all of the elements of claim 16, it is not enough that Brunson discloses all of the elements of claim 16 in isolation. The Federal Circuit requires that Brunson disclose each element of claim 16 as "arranged in the claim." *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984). Brunson does not disclose the elements of claim 16 as arranged in claim 16.

Because Brunson fails to teach one or more of the recited elements of claim 16, reconsideration and withdrawal of the rejection of claims 16, 17, and 20 under 35 U.S.C. §102(b) as being anticipated by Brunson is respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 15 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayer.

According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide heat, as needed, during operation of the converter to further achieve high efficiency. (Office Action, p. 4.) Applicants' review of Bayer finds no teaching or suggestion that the operation of the converter of Bayer should include steps for heating during transient operation. In response, the Examiner relies on common knowledge of persons skilled in the art. (Office Action, p. 10.) However, the Federal Circuit has held that the mere reference to common knowledge or common sense is insufficient to provide the motivation or suggestion to combine prior art references to support an obviousness rejection. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). As a result, claims 15 and 18 are not unpatentable over Bayer.

Claim Rejections – 35 U.S.C. §103

Claims 18 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brunson.

According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide heat, as needed, during operation of the converter to further achieve high effective and satisfactory conversion. (Office Action, pp. 4-5.) Applicants' review of Brunson finds no teaching or suggestion that Brunson should include steps for heating during transient operation. In response, the Examiner relies on common knowledge of persons skilled in the art. (Office Action, p. 10.) However, the Federal Circuit has held that the mere reference to common knowledge or common sense is insufficient to provide the motivation or suggestion to combine prior art references to support an obviousness rejection. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). As a result, claims 18 and 21 are not unpatentable over Brunson.

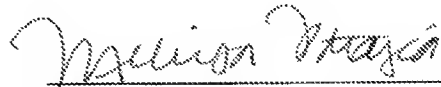
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All of the stated grounds of objection and rejection are believed to have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

RCE
U.S.S.N. 10/006,875
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Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Melissa Patangia", is written over a horizontal line.

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